

REMARKS

Claims 1-22 are pending in the application. Of the claims, Claims 1 and 12 are independent. Claims 1-4, 6, 9, 10, 12, 14-17 and 19-21 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Miyakawa et al. (U.S. Patent No. 6,522,589). Claims 5, 7, 8, 11, 13, 18 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The specification has been amended to clarify the description of Fig. 5, support for the amendment is in the Applicant's specification as originally filed. (See Page 15, lines 11-12 and Fig. 5.) Acceptance of the amendment to the specification is respectfully requested. The applicant respectfully traverses the rejections.

Rejection under 35 U.S.C. 102(e)

Claims 1-4, 6, 9, 10, 12, 14-17 and 19-21 are rejected under 35 U.S.C. § 102 (e) as being anticipated by Miyakawa et al. (U.S. Patent No. 6,522,589). The present application (Application No. 10/625,320) has an effective filing date of May 23, 2001. Miyakawa is a U.S. Patent that issued from an international application having an international filing date of September 27, 2000. The international filing date is prior to November 29, 2000, and thus the reference is applied under the provisions of 35 U.S.C 102(e), prior to the APLA amendments as of the actual filing date of the later-filed U.S. application that claimed the benefit of the international application. Thus, Miyakawa is not prior art under U.S.C. § 102(e) because its 35 U.S.C. § 102(e) date (September 25, 2001) is after the effective filing date of the present application (May 23, 2001). (See MPEP 706.02(f)(1)(C)(3).)

Removal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.

Regarding allowable subject matter

Claims 5, 7, 8, 11, 13, 18 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the indication that Claims 5, 7, 8, 11, 13, 18 and 22 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. However, the claims have not been amended because it is believed that the base claims are allowable for the reasons discussed above.

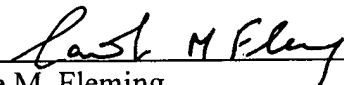
Accordingly, the present invention as now claimed is not believed to be anticipated or made obvious from the cited art or any of the prior art. Removal of the rejections under 35 U.S.C. § 102(e) and acceptance of Claims 1-22 is respectfully requested.

CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Caroline M. Fleming
Registration No. 45,566
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

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